

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :  
 : CRIMINAL ACTION  
 v. : NO. 20-163  
 :  
 LEE D. WEISS :

**ORDER**

**AND NOW**, this **2nd** day of **March, 2022**, upon consideration of Defendant's Motion to Dismiss as Untimely (ECF No. 62), Motion to Dismiss for Duplicity (ECF No. 63), Motion to Dismiss for Lack of Venue (ECF No. 64), Motion for Bill of Particulars (ECF No. 65), and Motion to Strike Surplusage (ECF No. 66), and all responses thereto, it is hereby **ORDERED** as follows:

1. The Motion to Dismiss for Lack of Venue (ECF No. 64) is **GRANTED**. Counts Six and Eight of the Second Superseding Indictment are **DISMISSED without prejudice**.
2. The Motion to Dismiss as Untimely (ECF No. 62), Motion to Dismiss for Duplicity (ECF No. 63), and Motion for a Bill of Particulars (ECF No. 65) are **DENIED**.
3. The Motion to Strike Surplusage (ECF No. 66) is **GRANTED in part and DENIED in part**. Pursuant to that motion, paragraph 30 of the Second Superseding Indictment is **STRICKEN**. The following language from

paragraph 31 of the Second Superseding Indictment is  
also **STRICKEN:**

- a. "in favor of J. & J.S."
- b. "That award found that defendant WEISS had breached his fiduciary duty, had made investments with minimal or non-existent due diligence, had issued portfolio statements that were misleading, and had recommended investments that were entirely inappropriate for J. & J.S."

**AND IT IS SO ORDERED.**

*Eduardo C. Robreno*  
**EDUARDO C. ROBRENO, J.**